

REMARKS

The Examiner's continued attention to the present application is noted with appreciation.

On page 3 of the Office Action, the Examiner rejected claims 1, 9, 13-15, 19, 46, 48-49 and 51 under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 4,261,320 to Walsh et al. in view of U.S. Patent Application No. 2002/0153178 to Limonius.

On page 3 of the Office Action, the Examiner rejected claims 1, 4-8, 13-19, 45-46, 48-49, 51, 56 and 58 under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 4,553,037 to Veazey in view of Walsh et al. and Limonius.

On page 4 of the Office Action, the Examiner rejected claims 17-18, 36, 54, 57 and 59 under 35 U.S.C. § 103(a) as being unpatentable over Veazey in view of Walsh et al. and Limonius and further in view of U.S. Patent Publication No. 2006/0054329 to Springett.

Applicants have amended the claims to overcome these rejections. Support for the amendments can be found on lines 18-21 of page 6 of the application as originally filed. Limonius and Springett cannot be combined with Walsh et al. to result in a device with an output for providing electrical power to external structures, as is claimed in Applicant's amended claims.

Proposed modifications of prior art cannot render the prior art inoperable for its intended purpose. See *In re Gordon*, 733 F.2d 900, 221 USPQ 1125 (Fed. Cir. 1984). In *Gordon*, the claimed device was a blood filter assembly for use during medical procedures wherein both the inlet and outlet for the blood were located at the bottom end of the filter assembly, and wherein a gas vent was present at the top of the filter assembly. The prior art reference taught a liquid strainer for removing dirt and water from gasoline and other light oils wherein the inlet and outlet were at the top of the device, and wherein a pet-cock (stopcock) was located at the bottom of the device for periodically removing the collected dirt and water. The reference further taught that the separation is assisted by gravity. The Board concluded the claims were *prima facie* obvious, reasoning that it would have been obvious to turn the reference device upside down. The Court reversed, finding that if the prior art device was turned upside down it would be inoperable for its intended purpose because the gasoline to be filtered would be trapped at the top, the water and heavier oils sought to be separated would flow out of the outlet instead of the purified gasoline, and the screen would become clogged.

In this case, Limonius is a car, so in order to render Applicants' claims obvious by using Limonius combined with Walsh et al., the car taught in Limonius would have to have an output for powering a fixed external structure and therefore could not be driven freely up and down the road. The intended purpose of the car taught in Limonius is for transportation, thus to modify the car so it can have an output for powering a fixed external structure would render Limonius inoperable for its intended purpose. The same is true for Springett, which is a self-contained, self-sufficient computer bus. If Springett were modified to have an output for powering a fixed external structure, it would render the bus's principal operation, a mobile vehicle, inoperable for its intended purpose. Limonius and Springett cannot be modified to include an electrical outlet for powering fixed external structures because the modification would change the principal of their operation from being portable vehicles to becoming stationary vehicles that cannot be freely driven. Thus, neither Limonius nor Springett can be combined with Walsh et al. or Veazey to render Applicants' claims obvious.

The Examiner's attempted combination of the very different references changes the principle of operation of the prior art invention being modified. For example, in order for the vehicles of Limonius and Springett to be combined such that they result in Applicant's portable apparatus, they would have to lose their ability for a driver to drive them down a street. Because the principal of operation of the vehicles of Limonius and Springett are obviously to drive them down a street, and because both Limonius and Springett would each have to lose this principle of operation to result in Applicants' invention, the Examiner's novel combination of references is not sufficient to render the claims *prima facie* obvious. *In re Ratti*, 270 F.2d 810, 123 USPQ 349 (CCPA 1959). In that case, the Court held that the "suggested combination of references would require a substantial reconstruction and redesign of the elements shown in [the primary reference] as well as a change in the basic principle under which the [primary reference] construction was designed to operate." 270 F.2d at 813, 123 USPQ at 352.

Still further, no person skilled in the art would ever combine the references because they relate to such disparate inventions. Walsh et al. discloses a multi-transport solar energy system that generates electricity from a stationary position. The Limonius electric vehicle generates electricity for the purpose of providing electrical power to the vehicle's electrical motor. One skilled in the art would not look to the regenerative auxiliary electrical power generating systems of Limonius to provide teaching for and

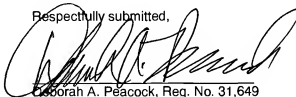
thereafter combination with the modular solar energy system shown in Walsh et al. in order to provide the portable power assembly of the present invention. There is thus no motivation or suggestion to combine the references as suggested by the Examiner. The portable power assembly of the present invention includes a solar energy power system having at least one solar panel, a back-up generator, a fuel storage container, and batteries. In addition, the solar energy power system can power an external load. None of the cited references show or suggest, nor would it have been obvious to combine the references as noted above, in order to provide Applicant's portable power assembly or a method for providing portable, renewable energy as claimed by Applicants.

Because claims 4-6, 7, 8, 13-19, 36, 45, 47-49, 51, and 54-59 each depend, either directly or indirectly from Applicants' allowable independent claims 1 or 46, these dependent claims are also thus allowable.

In view of the above amendments and remarks, it is respectfully submitted that all grounds of rejection and objection have been avoided and/or traversed. It is believed that the case is now in condition for allowance and same is respectfully requested.

If any issues remain, or if the Examiner believes that prosecution of this application might be expedited by discussion of the issues, the Examiner is cordially invited to telephone the undersigned attorney for Applicant at the telephone number listed below.

Respectfully submitted,



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